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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,029	11/19/2001	Bradley W. Smith	14140	2046

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EXAMINER

DUNN, DAVID R

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 09/24/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

SW

# Office Action Summary

Application No.

09/996,029

Applicant(s)

SMITH, BRADLEY W.

Examiner

David Dunn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,4,6-21 and 29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,4 and 6-15 is/are allowed.
- 6) ☒ Claim(s) 16-21 and 29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

This Office Action is responsive to the amendment filed 7/21/03 in which claims 2, 3, 5, and 22-28 were canceled and new claim 29 was added.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 16-21 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Wallner et al. (5,918,898).

Wallner et al. discloses an airbag inflator diffuser comprising: a tubular sleeve (100c; see Figures 6-7) having a first longitudinal edge that overlaps a second longitudinal edge along a length of the sleeve (see 248), the sleeve capable of expanding radially to form an exhaust passage under a force of impinging exhaust gas from an exit port of an airbag inflator installed within the sleeve (inherently, the sleeve is *capable* of expanding because any material will expand under a sufficient amount of force); the sleeve further comprising a solid section positioned to impede a flow of exhaust from the exit port (see Figure 6 solid section directly above 208; note also, the embodiment of Figure 3 shows the exit port 48 by a solid section) and direct to the exhaust passage, and a permeable section (249) positioned to allow exhaust gas to flow from the exit port through the exhaust passage and permeable section to an area external to the airbag

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inflator diffuser. Note that both embodiments of Figures 5 and 6 separable show all of the features of claim 16.

Regarding claim 17, the diffuser comprises a plurality of holes (249; Figure 6).

Regarding claims 18-21, the embodiment of Figure 5 is used. Figure 5 shows a plurality of solid sections and plurality of permeable section (the permeable section is each hole (129b).

Regarding claim 20, the method of manufacturing is immaterial to the apparatus as disclosed by Wallner et al. shows the same final product. The diffuser is metal (see column 3, lines 39-45).

#### ***Allowable Subject Matter***

3. Claims 1, 4, and 6-15 are allowed.

4. The following is a statement of reasons for the indication of allowable subject matter:

Claim 1 is allowable as the prior art does not show a sleeve for an inflator, the sleeve being expandable under a force of exhaust gas and comprising a solid section for receiving the impingement of the exhaust gas and a permeable section that circumscribes a length of the inflator. Wallner et al. shows a similar diffuser, however the diffuser does not include a permeable section that circumscribes the inflator.

#### ***Response to Arguments***

5. Applicant's arguments with respect to claims 16 and 29 have been considered but are moot in view of the new ground(s) of rejection.

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It is noted that newly amendment claim 16 (which incorporates a limitation of claim 9) as currently presented has not been previously examined. Claim 9 (previously determined to be allowable), was a different claim including different limitations.

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Schnowitz et al. shows a diffuser of interest.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Dunn whose telephone number is 703-305-0049. The examiner can normally be reached on Mon-Thur, alt. Fridays, 9:00-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 703-308-2089. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-1113.

A handwritten signature in black ink, appearing to read 'David Dunn', with a long horizontal flourish extending to the right.

David Dunn  
Examiner  
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